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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-10-00317-JF
	)	
12 Plaintiff,	)	<b>STIPULATION AND <del>PROPOSED</del></b>
	)	<b>ORDER CONTINUING HEARING</b>
13 vs.	)	<b>DATE AND EXCLUDE TIME UNDER</b>
	)	<b>THE SPEEDY TRIAL ACT</b>
14 LANH TRAN-TU,	)	
	)	
15 Defendant.	)	
16 _____	)	

17 **STIPULATION**

18 Defendant Lanh Tran-Tu, by and through Assistant Federal Public Defender Nicholas  
19 Humy, and the United States, by and through Assistant United States Attorney Gary G. Fry,  
20 hereby stipulate that, with the Court's approval, the court date currently scheduled for Thursday,  
21 March 10, 2011, shall be continued to Thursday, March 24, at 9:00 a.m.

22 The purpose of the continuance is the unexpected unavailability of government counsel.  
23 Also, the parties are continuing their settlement discussions.  
24  
25  
26

1 The parties agree that the time between March 10, 2011, and March 24, 2011, is  
2 excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for continuity of  
3 counsel and effective preparation by defense counsel.

4 IT IS SO STIPULATED.

5  
6 Dated: March 8, 2011

7 \_\_\_\_\_/s/\_\_\_\_\_  
NICHOLAS P. HUMY  
8 Assistant Federal Public Defender

9 Dated: March 8, 2011

10 \_\_\_\_\_/s/\_\_\_\_\_  
GARY G. FRY  
11 Assistant United States Attorney

12  
13 ~~[PROPOSED]~~ **ORDER**

14 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
15 ORDERED, that the hearing currently set for Thursday, March 10, 2011, shall be continued to  
16 Thursday, March 24, 2011, at 9:00 a.m.

17 IT IS FURTHER ORDERED that 14 days shall be excluded from the period of time in  
18 which trial shall commence under the Speedy Trial Act as the reasonable time necessary for  
19 continuity of defense counsel and effective defense preparation, pursuant to Title 18, United  
20 States Code, Sections 3161(h)(8)(A) and 3161(h)(7)(B)(iv).  
21

22 IT IS SO ORDERED.

23 Dated: 3/9/11

24   
HONORABLE JEREMY FOGEL  
United States District Judge